

1 BROOKS R. BROWN (SBN 250724)
bbrown@goodwinprocter.com

2 STEVEN A. ELLIS (SBN 171742)
sellis@goodwinprocter.com

3 **GOODWIN PROCTER LLP**
601 S. Figueroa Street, 41st Floor
4 Los Angeles, California 90017
Tel.: 213.426.2500
5 Fax: 213.623-1673

6 ROBERT B. BADER (SBN 233165)
rbader@goodwinprocter.com

7 **GOODWIN PROCTER LLP**
Three Embarcadero Center, 24th Floor
8 San Francisco, California 94111
Tel.: 415.733.6000
9 Fax: 415.677.9041

10 Attorneys for Defendants Named As:
“*Countrywide Home Loans, Inc.*” and
11 “*Countrywide Bank, FSB*”

12 [Additional counsel on signature page]

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN JOSE DIVISION**

16 ENEIDA AMPARAN, RAFAEL CISNEROS
17 and GUADALUPE CISNEROS, individually
and on behalf of all others similarly situated,

18 Plaintiffs,

19 v.

20 PLAZA HOME MORTGAGE, INC.;
21 WASHINGTON MUTUAL MORTGAGE
SECURITIES CORP.; WAMU ASSET
ACCEPTANCE CORP.; COUNTRYWIDE
22 HOME LOANS, INC.; COUNTRYWIDE
BANK, FSB; and DOES 5 through 10 inclusive,

23 Defendants.

24 Case No. C-07-04498 JF (PSG)

25 **JOINT STIPULATION AND ORDER RE:**
ADJOURNING CASE DEADLINES
PENDING MEDIATION

26 Judge: Hon. Jeremy Fogel

JOINT STIPULATION AND ORDER RE: ADJOURNING CASE DEADLINES PENDING MEDIATION

Pursuant to Fed. R. Civ. P. 6(b), Plaintiffs Eneida Amparan, Rafael Cisneros and Guadalupe Cisneros (“Plaintiffs”), and defendants named as “Countrywide Home Loans, Inc.” (“CHL”), “Countrywide Bank, FSB” (“Countrywide Bank”) (collectively, CHL and Countrywide Bank are referred to herein as “Countrywide”); “Plaza Home Mortgage Inc.” (“Plaza Home”); “Washington Mutual Mortgage Securities Corp.” (“WMMSC”) and “WAMU Asset Acceptance Corp.” (“WAAC”) (collectively, WMMSC and WAAC are referred to herein as “WaMu”) (Countrywide, Plaza Home and WAMU are collectively referred to herein as “Defendants,” and together, with Plaintiffs, the “Parties”) hereby jointly stipulate and request that this Court temporarily adjourn the case deadlines in this case pending the outcome of settlement discussions.

In support of this Joint Stipulation, the Parties state as follows:

1. This is a putative class action brought by Plaintiffs against Defendants, asserting claims for fraudulent omissions and violation of the UCL in connection with payment option loans made by Plaza Home that were later purchased by Countrywide and/or WaMu.

2. By Minute Order dated March 18, 2011 (“Order”) (Dkt. No. 182), this Court set October 28, 2011 as the date for the hearing on Plaintiffs’ class certification motion. The Parties later agreed to a schedule for expert disclosures and a class certification briefing schedule, including an August 19, 2011 deadline for Plaintiffs’ class certification motion, a September 16, 2011 deadline for Defendants’ oppositions, and an October 14, 2011 deadline for Plaintiffs’ reply submissions.

3. This case is one of several pending putative class actions brought by Plaintiffs' counsel asserting the same claims and legal theories for recovery in the California state and federal courts against various defendants, including Countrywide. *See Avila v. OneWest Bank, FSB*, No. CV08-0419 AG (CTx) (C.D. Cal.); *Baker v. Aegis Wholesale Corp.*, No. 4:09-cv-05280 PJH (N.D. Cal.); *Love v. First Mortgage Corp.*, No. G044630 (Cal. Court of Appeal); *Ralston v. Mortgage Investors Group, Inc.*, No. Case No. 08-CV-00536 JF (PVT) (N.D. Cal.); *Rohrmann v. First Metropolitan Funding Corp.*, No. SACV 08-0313 AG (CTx) (C.D. Cal.); *Romero v.*

Countrywide Home Loans, Inc., No. 5:07-cv-04491-JF (N.D. Cal.); *Thibault v. American Mortgage Network, Inc.*, No. H036620 (Cal. Court of Appeal).

4. In *Ralston*, plaintiff filed his class certification motion on May 20, 2011, seeking to certify a class of more than 168,000 borrowers who obtained payment option loans from more than 1,200 correspondent lenders (including Plaza Home) that were later purchased by CHL (including the loan made by Plaza Home to the Cisneroses that is the subject of this action).

5. The parties in *Ralston* have agreed to explore a potential resolution of the matter with the assistance of a third-party mediator, and have scheduled a mediation for August 2, 2011. In light of the pending mediation, the parties in *Ralston* jointly requested that this Court extend the pending class certification briefing and hearing deadlines. This Court approved that stipulation by Order on June 6, 2011 (Dkt. No. 254).

6. In light of the extension of the deadlines in the Ralston case to allow for settlement discussions, and because of the overlap between Ralston and this case, the Parties respectfully request that this Court (a) temporarily adjourn the class certification briefing and other deadlines, including the August 19, 2011 deadline for Plaintiffs' class certification motion, the September 16, 2011 deadline for Defendants' oppositions, the October 14, 2011 deadline for Plaintiffs' reply submissions and the October 28, 2011 class certification hearing date; and (b) permit the Parties to file a Joint Status Report with the Court on or before August 15, 2011 advising the Court as to the status of the settlement discussions and, if necessary, proposing new class certification briefing deadlines and a new class certification hearing date.

7. The Parties agree that, if new class certification briefing deadlines are necessary, the filing date for Plaintiffs' class certification motion shall be no sooner than sixty (60) days after the conclusion of the temporary adjournment of the deadlines, and the Parties shall be allowed to conduct pre-certification discovery during that time.

8. The Parties respectfully submit that there is good cause for this joint request. The requested temporary adjournment will conserve the Parties' and this Court's resources and avoid the potentially unnecessary expenditure of attorneys' fees and other litigation costs while the

1 parties in *Ralston* explore the possibility of a settlement. *See* Fed. R. Civ. P. 1 (federal rules
2 “should be construed and administered to secure the just, speed, and inexpensive determination of
3 every action and proceeding”).

4 9. No party will be prejudiced by the requested temporary suspension.

5 10. No prior extension or adjustment of the deadlines set forth in the Order has been
6 sought by the Parties.

7 WHEREFORE, for all the foregoing reasons, the Parties jointly request that this Court (a)
8 temporarily adjourn the case deadlines, including the August 19, 2011 deadline for Plaintiffs’ class
9 certification motion, the September 16, 2011 deadline for Defendants’ oppositions, the October
10 14, 2011 deadline for Plaintiffs’ reply submissions and the October 28, 2011 class certification
11 hearing date; and (b) permit the Parties to file a Joint Status Report with the Court on or before
12 August 15, 2011 advising the Court as to the status of the settlement discussions in *Ralston* and, if
13 necessary, proposing new class certification briefing deadlines and a new class certification
14 hearing date.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2 Dated: June 20, 2011
3
4
5
6
7

Respectfully submitted,

/s/ Brooks R. Brown
Brooks R. Brown
bbrown@goodwinprocter.com
Steven A. Ellis
sellis@goodwinprocter.com
GOODWIN PROCTER LLP
601 S. Figueroa Street, 41st Floor
Los Angeles, California 90017
Tel.: 213.426.2500
Fax: 213.623-1673

8
9
10 Robert B. Bader
rbader@goodwinprocter.com
GOODWIN PROCTER LLP
Three Embarcadero Center, 24th Floor
San Francisco, California 94111
Tel.: 415.733.6000
Fax: 415.677.9041
11
12
13

Attorneys for Defendants Named As:
“*Countrywide Home Loans, Inc.*” and
“*Countrywide Bank, FSB*”

14 Dated: June 20, 2011
15
16
17
18

/s/ John D. Alessio
John D. Alessio
john.alessio@procopio.com
PROCOPIO, CORY, HARGREAVES &
SAVITCH, LLP
525 B Street, Ste. 2200
San Diego, California 92191
Tel: 619.238.1900
Fax: 619.744.5414

19
20
21
22
23
24
25
26
27
28
Attorneys for Defendant:
Plaza Home Mortgage, Inc.

1 Dated: June 20, 2011

/s/ Stephen R. Meinertzhagen
Stephen R. Meinertzhagen (Admitted *Pro Hac Vice*)
smeinertzhagen@burkelaw.com
Leann Pedersen Pope (Admitted *Pro Hac Vice*)
lpope@burkelaw.com
BURKE, WARREN, MACKAY &
SERRITELLA, P.C.
330 North Wabash Avenue, 22nd Floor
Chicago, Illinois 60611-3607
Tel.: 312.840.7000
Fax: 312.840.7900

7

8

9

10

11

12

13

14

15 Dated: June 20, 2011

Shannon Z. Petersen
spetersen@sheppardmullin.com
Robert S. Beall
rbeall@sheppardmullin.com
SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP
650 Town Center Drive, 4th Floor
Costa Mesa, California 92626-1993
Tel.: 714.513.5100
Fax: 714.513.5130

16
17
18
19
20
21
22
23
24
25
26
27
28
Attorneys for Defendants:
*Washington Mutual Mortgage Securities
Corporation and WaMu Asset Acceptance Corp.*

/s/ Lee A. Weiss
Lee A. Weiss (admitted *pro hac vice*)
lweiss@bwgfirm.com
BROWNE WOODS GEORGE LLP
626 RXR Plaza
Uniondale, NY 11556
Telephone: (516) 977-0263
Facsimile: (516) 977-0263

-and-

Michael Bowse (SBN 189659)
mbowse@bwgfirm.com
BROWNE WOODS GEORGE LLP
2121 Avenue of the Stars, Suite 2400
Los Angeles, CA 90067
Telephone: (310) 274-7100
Facsimile: (310) 275-5697

1 David M. Arbogast (SBN 167571)
2 darbogast@law111.com
3 Jeffrey K. Berns (SBN 131351)
4 jberns@law111.com
5 ARBOGAST & BERNS LLP
6 6303 Owensmouth Avenue, 10th Floor
7 Woodland Hills, CA 91367-2263
8 Telephone: (818) 961-2000
9 Facsimile: (818) 936-0232

10
11 Jennie Anderson (SBN 203586)
12 jennie@andrusanderson.com
13 ANDRUS ANDERSON LLP
14 155 Montgomery Street, 9th Floor
15 San Francisco, CA 94104
16 Telephone: (415) 986-1400
17 Facsimile: (415) 986-1474

18
19 Jonathan Shub (SBN 237708)
20 SEEGER WEISS LLP
21 1515 Market Street, Suite 1380
22 Philadelphia, PA 19107
23 Telephone: (215) 564-2300
24 Facsimile: (215) 851-8029

25
26 Christopher A. Seeger (admitted *pro hac vice*)
27 SEEGER WEISS LLP
28 One William Street
New York, New York 10004
Telephone: (212) 584-0700
Facsimile: (212) 584-0799

19 *Attorneys for Plaintiffs*

20
21
22
23
24
25
26
27
28

ORDER

Upon consideration of the Parties' Stipulation and having good cause therefore, **IT IS
HEREBY ORDERED** that (a) the deadlines in the case are adjourned, including the August 19, 2011 deadline for Plaintiffs' class certification motion, the September 16, 2011 deadline for Defendants' oppositions, the October 14, 2011 deadline for Plaintiffs' reply submissions and the October 28, 2011 class certification hearing date; and (b) the Parties are to file a Joint Status Report with the Court on or before August 15, 2011 advising the Court as to the status of the settlement discussions and, if necessary, proposing new class certification briefing deadlines and a new class certification hearing date.

IT IS ORDERED.

Dated: 6/21, 2011


HON. JEREMY FOGEL
United States District Judge

ECF CERTIFICATION

Pursuant to General Order No. 45, § X.B., the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

Dated: June 20, 2011

GOODWIN PROCTER LLP
601 S. Figueroa Street, 41st Floor
Los Angeles, California 90017

By: /s/ Brooks R. Brown

Attorneys for Defendants:
Countrywide Bank, FSB and Countrywide Home Loans, Inc.

PROOF OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this June 20, 2011.

/s/ Brooks R. Brown
Brooks R. Brown